

# **EXHIBIT 4**

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**From:** Muino, Daniel P.  
**Sent:** Monday, January 22, 2018 7:15 PM  
**To:** Jordan Jaffe; QE-Waymo  
**Cc:** UberWaymoMoFoAttorneys; 'BSF\_EXTERNAL\_UberWaymoLit@bsfllp.com'; Uber-sg@LISTS.SUSMANGODFREY.COM  
**Subject:** RE: Waymo v. Uber: Fuji Redesigns

Counsel,

Waymo has known about the Fuji redesigns since prior to August 24, 2017, and yet has not previously asked for any additional discovery. It's not our job to tell you what discovery to conduct. As we informed you, Mr. Haslim may testify at trial regarding the previously-disclosed redesigns and the fact that they're now implemented in Fuji prototypes. If you want to take additional discovery on this subject, now is your chance. Otherwise, we will inform the Court that we offered and you declined.

With respect to documents concerning the redesigns, we do not intend to introduce any beyond the ones already produced. However, since you have asked about other documents concerning the completion of the redesigns, we will produce whatever other documents exist and reserve the right to use them as trial exhibits. We understand that there aren't very many such documents. If Waymo wishes to subpoena the FAC vendor for testimony, we will help expedite that process. We remain willing, of course, to produce Mr. Haslim for deposition this Friday. Please let us know promptly if Waymo wishes to proceed.

Best regards,  
Dan

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**From:** Jordan Jaffe [<mailto:jordanjaffe@quinnemanuel.com>]  
**Sent:** Friday, January 19, 2018 10:42 PM  
**To:** Muino, Daniel P.; QE-Waymo  
**Cc:** UberWaymoMoFoAttorneys; 'BSF\_EXTERNAL\_UberWaymoLit@bsfllp.com'; [Uber-sg@LISTS.SUSMANGODFREY.COM](mailto:Uber-sg@LISTS.SUSMANGODFREY.COM)  
**Subject:** RE: Waymo v. Uber: Fuji Redesigns

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Counsel,

Your response fails to answer several of the basic questions we posed. For example, Uber apparently even refuses to disclose when it learned of the information communicated in your original email and its basis for not disclosing it earlier. As a substantive matter, at this late date, Waymo will not have an opportunity to conduct proper discovery concerning these allegedly complete redesigns. For example, Waymo has no opportunity to subpoena the third party vendor for the alleged new FAC lens design, take its deposition, and conduct supplemental expert discovery based on this new information. In fact, based on Uber's proposal, Waymo will not have discovery as to a single document concerning the "completion" of these alleged redesigns at trial.

Waymo objects. Uber may not rely on these allegedly completed redesigns at trial but deprive Waymo of proper discovery about them.

To the extent that Uber reconsiders its position, we are willing to meet and confer. Please inform us of any change in position before 5pm on Monday, Jan. 22.

Best regards,

Jordan R. Jaffe // Quinn Emanuel // 415.498.0556 [//jordanjaffe@quinnemanuel.com](mailto://jordanjaffe@quinnemanuel.com)

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**From:** [Muino, Daniel P.](#)

**Sent:** Thursday, January 18, 2018 10:06 AM

**To:** [Jordan Jaffe](#); [QE-Waymo](#)

**Cc:** [UberWaymoMoFoAttorneys](#); '[BSF\\_EXTERNAL\\_UberWaymoLit@bsflfp.com](#)'; [Uber-sg@LISTS.SUSMANGODFREY.COM](#)

**Subject:** RE: Waymo v. Uber: Fuji Redesigns

Counsel,

Uber has already produced information regarding the Fuji redesigns with respect to alleged TS 2, 7, 13, and 14. Uber's August 24, 2017 supplemental response to Common Rog. 4 disclosed (1) detailed descriptions of the redesigns; (2) documents pertaining to the redesigns, including CAD drawings; and (3) the identity of Uber witnesses knowledgeable about the redesigns, including Mr. Haslim. Waymo's expert, Dr. Hesselink, already had the opportunity to address the redesigns in his expert reports of August 24 and September 14, 2017, and devoted a number of pages to that subject. Uber's expert, Dr. Lebbby, likewise addressed the redesigns in his expert report of September 7, 2017. Both sides had the opportunity to depose the experts concerning the redesigns. Waymo has not previously sought any further discovery regarding the Fuji redesigns.

Our email of January 15 was simply to inform you that the previously-disclosed redesigns with respect to alleged TS 2, 7, 13, and 14 are finished and have been implemented in Fuji prototypes. Uber does not intend to rely on additional documents beyond the ones previously disclosed on August 24, 2017. Uber expects to present one of the redesigned Fuji prototypes at trial. Should Waymo care to inspect that physical prototype, we will make it available for inspection. With respect to your questions concerning the timing of completion of the redesigns, testing, etc., Uber is willing to make Mr. Haslim available for a further deposition of reasonable length on January 26 to address those questions.

With respect to alleged TS 9, Uber previously disclosed on August 24, 2017, that it had retained an independent vendor to design a new FAC lens. That design is now finished, although the FAC lenses have not yet been installed in Fuji prototypes. We will make Mr. Haslim available to testify on this as well.

Best regards,  
Dan

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**From:** Jordan Jaffe [<mailto:jordanjaffe@quinnemanuel.com>]

**Sent:** Wednesday, January 17, 2018 2:30 PM

**To:** Muino, Daniel P.; QE-Waymo

**Cc:** [UberWaymoMoFoAttorneys](#); '[BSF\\_EXTERNAL\\_UberWaymoLit@bsflfp.com](#)'; [Uber-sg@LISTS.SUSMANGODFREY.COM](#)

**Subject:** RE: Waymo v. Uber: Fuji Redesigns

- External Email -

Counsel,

Prior to your email over the three day weekend, Uber had not provided any additional details regarding its alleged design-around efforts since the close of discovery in August 2017. With trial "nigh at hand" as explained yesterday by Judge Alsup, there is insufficient time to allow Waymo proper discovery into this new information, including possibly reviewing new documentary evidence, taking one or more Uber fact depositions, issuing third party subpoena(s), supplemental expert reports by both Waymo and Uber experts, and another round of expert depositions. If Uber wanted to rely on alleged design arounds, there's no reason it could not have begun working on them earlier. Uber should not be able to benefit from its tactful delay to deprive Waymo proper discovery before trial. The information below is still scant at best.

So that we can better understand Uber's position and what it is proposing, please identify when Uber learned the information communicated below and what Uber's reason for not disclosing it earlier? The email further does not indicate when each of these alleged re-designs was "completed" or what "completed" refers to in this context. Nor does the email explain whether these alleged re-designs have been tested or validated, or their performance effects. In contrast, during the most recent, August 9th deposition of James Haslim, Mr. Haslim confirmed that, as of that date, none of these design-arounds had yet been implemented, none had yet been tested or validated, and that Uber had not yet even made a final decision as to whether to proceed with many of them. Please explain. Also, your email makes no mention of documents relating to the alleged design-arounds, which would presumably exist. Does Uber intend to provide documents as well? If so, when and what is the volume? When does Uber intend to complete its production? Who was involved in the alleged redesign effort and does Uber intend to make them available for deposition about the alleged re-designs? If so, when does Uber propose that these depositions be completed?

Waymo reserves all rights, including the right to seek preclusion and/or additional appropriate discovery into Uber's continuing design-around efforts.

Best regards,

Jordan R. Jaffe // Quinn Emanuel // 415.498.0556 // [jordanjaffe@quinnemanuel.com](mailto:jordanjaffe@quinnemanuel.com)

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**From:** Muino, Daniel P. [<mailto:DMuino@mofo.com>]

**Sent:** Monday, January 15, 2018 8:16 PM

**To:** QE-Waymo <[gewaymo@quinnemanuel.com](mailto:gewaymo@quinnemanuel.com)>

**Cc:** UberWaymoMoFoAttorneys <[UberWaymoMoFoAttorneys@mofo.com](mailto:UberWaymoMoFoAttorneys@mofo.com)>;

'BSF\_EXTERNAL\_UberWaymoLit@bsfllp.com' <[BSF\\_EXTERNAL\\_UberWaymoLit@bsfllp.com](mailto:BSF_EXTERNAL_UberWaymoLit@bsfllp.com)>; [Uber-sg@LISTS.SUSMANGODFREY.COM](mailto:Uber-sg@LISTS.SUSMANGODFREY.COM)

**Subject:** Waymo v. Uber: Fuji Redesigns

Counsel,

As Uber disclosed in its supplemental responses to Common Interrogatories 1 and 4 on August 24, 2017, Uber has been working on redesigns of certain accused features of Fuji. We write to disclose the status of that effort. Please be informed that James Haslim may testify at trial to the following updated information regarding the Fuji redesigns:

- The redesign disclosed in the response to Common Interrogatory 4 with respect to alleged TS 7 is complete and has been implemented in the transmit boards of all operational Fuji prototypes.
- The redesigns disclosed in the response to Common Interrogatory 4 with respect to alleged TS 2, 13, and 14 are complete and have been implemented in at least two operational Fuji prototypes.
- The FAC lens optical design disclosed in the response to Common Interrogatory 4 with respect to alleged TS 9 is complete and the lenses are expected to be available in February 2018.

Best regards,

**DANIEL P. MUINO**

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